

JAP:UAD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-744.

- - - - -X

UNITED STATES OF AMERICA

- against -

ERIK MARTINEZ,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF ARREST
ARREST WARRANT

(21 U.S.C. § 841)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

JOSHUA ROMIG, being duly sworn, deposes and states that he is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about June 3, 2009, within the Eastern District of New York and elsewhere, the defendant ERIK MARTINEZ, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 100 grams or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841 (b)(1)(C))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I have been a Special Agent with the DEA for approximately two and a half years. My information in this case comes from a review of DEA records, conversations with other law enforcement agents and my direct participation in the investigation.

2. On or about June 3, 2009, an undercover agent with the DEA ("UC") arrived at a McDonald's restaurant located at 138-11 20th Avenue in College Point, New York for a pre-arranged meeting with the defendant ERIK MARTINEZ, previously identified as "Felix Diaz,"^{2/} to purchase 100 grams of heroin.

3. Shortly after the UC arrived at the McDonald's, MARTINEZ entered, sat down at the UC's table and introduced himself as "Eddie." MARTINEZ then removed a brown paper bag from his pocket and placed it inside a McDonald's bag that was on the table. The UC looked inside the paper bags and saw a tightly packed brown powdery substance. The UC and MARTINEZ then went into the bathroom of the McDonald's, where the UC gave MARTINEZ \$6,400 contained in a black bag in exchange for the substance contained in the brown paper bag.

4. The brown powdery substance contained in the paper bags given to the UC by MARTINEZ tested positive for heroin. The

^{2/} The DEA identified the defendant as Felix Diaz based upon a comparison of the defendant's facial features with "booking" photographs of individuals known to reside in the defendant's previous apartment. However, the defendant later identified himself to DEA agents as Erik Martinez.

total approximate net weight of the heroin received from MARTINEZ was 98.8 grams.

WHEREFORE, your deponent respectfully requests that the defendant ERIK MARTINEZ be dealt with according to law.



JOSHUA ROMIG
Special Agent
Drug Enforcement Administration

Sworn to before me this
29th Day of June 2010

JUDGE

DISTRICT OF NEW YORK